

AMENDED IN ASSEMBLY JUNE 4, 2014

AMENDED IN SENATE APRIL 21, 2014

AMENDED IN SENATE APRIL 9, 2014

SENATE BILL

No. 1405

**Introduced by Senator DeSaulnier
(Coauthor: Senator Lara)**

February 21, 2014

An act to amend Sections 17609, 17610, 17611, and 17612 of, and to add Sections 17611.5 and 17614 to, the Education Code, and to amend Sections 12996, 12999.4, 13181, 13182, 13183, and 13187 of, and to add Section 13186.5 to, the Food and Agricultural Code, relating to pesticides.

LEGISLATIVE COUNSEL'S DIGEST

SB 1405, as amended, DeSaulnier. Pesticides: ~~school facilities.~~
schoolsites.

(1) Existing law, the Healthy Schools Act of 2000, requires each schoolsite to maintain records of all pesticide use at the schoolsite for a period of 4 years and to make these records available to the public upon request, as specified. Existing law authorizes a schoolsite to meet these requirements by retaining a copy of the warning sign posted for each pesticide application, as specified, and recording on the copy the amount of pesticide used. Existing law requires a schoolsite or school district to identify an individual, known as a school designee, to carry out the requirements of the act.

This bill, if a school chooses to use certain pesticides, would require the school designee, at the end of each calendar year, or more often at his or her discretion, to submit to the Director of Pesticide Regulation

a copy of the records, as specified, of all pesticide use at the schoolsite. The bill, if a schoolsite chooses to use certain pesticides, would require the school designee to develop and post on the Internet Web site of the schoolsite an integrated pest management plan for the schoolsite or school district, except if the schoolsite does not maintain an Internet Web site, the school designee would be required to include the integrated pest management plan with a certain annual notification sent to staff and parents or guardians of pupils enrolled at the schoolsite. The bill would authorize a school designee to do these things related to an integrated pest management plan if the schoolsite does not choose to use certain pesticides.

(2) Existing law requires the Department of Pesticide Regulation to promote and facilitate the voluntary adoption of integrated pest management programs for schoolsites that voluntarily choose to do so, excluding privately operated child day care facilities. For these schoolsites, existing law requires the department to establish an integrated pest management program for schoolsites. Existing law, in establishing the program, requires the department to develop criteria for identifying least-hazardous pest control practices and encourage their adoption as part of an integrated pest management program at each schoolsite and develop a model program guidebook, as specified, that prescribes essential program elements for schoolsites that have adopted a least-hazardous integrated pest management program. Existing law provides that a violation of the laws, and the regulations adopted pursuant to those laws, relating to pesticides is generally a misdemeanor.

This bill would require the Department of Pesticide Regulation to develop a training course to train any person who plans to apply pesticides on a schoolsite, and would require the training ~~program~~ *course* to cover integrated pest management and the safe use of pesticides in relation to the unique nature of schoolsites and children's health. The bill would require the training course to be provided by the department or an agent authorized by the department. The bill would also require, *commencing July 1, 2016, a school designee and any person hired to, or who in the course of his or her work plans intends to, apply a pesticide at a schoolsite subject to the act, to annually complete a training course* provided by the department or an agent authorized by the department. The bill would require the training to include integrated pest management and the safe use of pesticides in relation to the unique nature of schoolsites and children's health.

(3) This bill would make conforming changes and various nonsubstantive changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 17609 of the Education Code is amended
2 to read:

3 17609. The definitions set forth in this section govern the
4 construction of this article unless the context clearly requires
5 otherwise:

6 (a) “Antimicrobial” means those pesticides defined by the
7 Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec.
8 136(mm)).

9 (b) “Crack and crevice treatment” means the application of
10 small quantities of a pesticide consistent with labeling instructions
11 in a building into openings such as those commonly found at
12 expansion joints, between levels of construction, and between
13 equipment and floors.

14 (c) “Emergency conditions” means any circumstances in which
15 the school designee or a property owner of a property where a
16 privately operated child day care facility is located, or the property
17 owner’s agent, deems that the immediate use of a pesticide is
18 necessary to protect the health and safety of pupils, staff, or other
19 persons, or the schoolsite.

20 (d) “Integrated pest management plan” means a written plan
21 based on a template provided or approved by the Department of
22 Pesticide Regulation that outlines a strategy for integrated pest
23 management, as described in Section 13181 of the Food and
24 Agricultural Code.

25 (e) “School designee” or “IPM coordinator” means ~~the~~
26 ~~individual~~ *a school employee* identified by a schoolsite or school
27 district to carry out the requirements of this article at the schoolsite.

28 (f) “Schoolsite” means any facility used as a child day care
29 facility, as defined in Section 1596.750 of the Health and Safety
30 Code, or for kindergarten, elementary, or secondary school
31 purposes. The term includes the buildings or structures,
32 playgrounds, athletic fields, vehicles, or any other area of property
33 visited or used by pupils. “Schoolsite” does not include any

1 postsecondary educational facility attended by secondary pupils
2 or private kindergarten, elementary, or secondary school facilities.
3 For child day care facilities, the State Department of Social
4 Services shall serve as the liaison to these facilities, as needed.

5 SEC. 2. Section 17610 of the Education Code is amended to
6 read:

7 17610. (a) It is the policy of the state that effective least toxic
8 pest management practices should be the preferred method of
9 managing pests at schoolsites and that the state, in order to reduce
10 children's exposure to toxic pesticides, shall take the necessary
11 steps, pursuant to Article 17 (commencing with Section 13180)
12 of Chapter 2 of Division 7 of the Food and Agricultural Code, to
13 facilitate the adoption of effective least toxic pest management
14 practices at schoolsites. It is the intent of the Legislature that all
15 school personnel involved in the application of a pesticide at a
16 schoolsite be trained in integrated pest management and the safe
17 use of pesticides in relation to the unique nature of schoolsites and
18 children's health.

19 (b) (1) (A) A property owner of a property where a child day
20 care facility is located, or the property owner's agent, who
21 personally applies any pesticides on an area listed in paragraph
22 (2) shall provide notice to the child day care facility as described
23 in paragraph (3) at least 120 hours before the application, unless
24 an emergency condition, as defined in Section 17609, exists.

25 (B) An owner of property on which a child day care facility is
26 located shall be subject to the requirement to provide notice
27 pursuant to this subdivision 30 days after it has received notice
28 from a child day care facility of its presence at the property, unless
29 the property owner, or his or her agent, received that notice
30 pursuant to paragraph (1) of subdivision (d) of Section 1597.40 of
31 the Health and Safety Code before the effective date of this
32 subdivision in which case the property owner shall be subject to
33 the notice requirements on and after the effective date of this
34 subdivision.

35 (2) This subdivision applies when a property owner or his or
36 her agent intends to personally apply pesticides on any of the
37 following:

38 (A) Inside the rented premises on which the child day care
39 facility is located.

1 (B) Upon a designated child day care facility playground
2 designated by the property owner.

3 (C) Upon an area designated for use by the child day care
4 facility.

5 (D) Upon an area within 10 feet of the perimeter of the child
6 day care facility.

7 (3) The notice required by paragraph (1) shall include the
8 following:

9 (A) The product name.

10 (B) The manufacturer's name.

11 (C) The active ingredients of each pesticide.

12 (D) The United States Environmental Protection Agency's
13 product registration number.

14 (E) The intended date of application.

15 (F) The areas of application listed in paragraph (2).

16 (G) The reason for application.

17 (4) A notice of pesticide application provided to a tenant
18 pursuant to subdivision (d) of Section 13186 of the Food and
19 Agricultural Code shall satisfy the notice requirements of this
20 section.

21 (5) If the child day care facility ceases to operate on the property,
22 the provisions of this act shall no longer apply to the property.

23 SEC. 3. Section 17611 of the Education Code is amended to
24 read:

25 17611. (a) Each schoolsite shall maintain records of all
26 pesticide use at the schoolsite for a period of four years, and shall
27 make this information available to the public, upon request,
28 pursuant to the California Public Records Act (Chapter 3.5
29 (commencing with Section 6250) of Division 7 of Title 1 of the
30 Government Code). A schoolsite may meet the requirements of
31 this section by retaining a copy of the warning sign posted for each
32 application required pursuant to Section 17612, and recording on
33 that copy the amount of the pesticide used.

34 (b) (1) If a schoolsite chooses to use a pesticide not included
35 within Section 17610.5, at the end of each calendar year, or more
36 often at the discretion of a school designee, the school designee
37 shall submit to the Director of Pesticide Regulation a copy of the
38 records of all pesticide use at the schoolsite for the calendar year.
39 The records submitted to the Director of Pesticide Regulation shall
40 be submitted using a form prepared by the Department of Pesticide

1 Regulation similar to that prepared pursuant to ~~paragraph~~
2 *subdivision* (b) of Section 13186 of the Food and Agricultural
3 Code, and shall include all of the following:

4 (A) The name of a school designee for the schoolsite.

5 (B) The name and address of the schoolsite, or the department
6 code or licensed child day care facility number indicating if the
7 site is an elementary or secondary school facility, or a child day
8 care facility.

9 (C) The product name, manufacturer's name, the United States
10 Environmental Protection Agency's product registration number
11 and the amount used, including the unit of measurement.

12 (D) The date, time, and location of application.

13 (2) The report submitted pursuant to paragraph (1) shall not
14 include pesticide use reported pursuant to subdivision (c) of Section
15 13186 of the Food and Agricultural Code.

16 SEC. 4. Section 17611.5 is added to the Education Code, to
17 read:

18 17611.5. (a) The school designee may develop and post on
19 the Internet Web site of the schoolsite an integrated pest
20 management plan for the schoolsite or the school district. If the
21 schoolsite does not maintain an Internet Web site, the school
22 designee may include the integrated pest management plan with
23 the annual notification sent to staff and parents or guardians of
24 pupils enrolled at the schoolsite pursuant to Section 17612. The
25 integrated pest management plan shall include the name of the
26 school designee or IPM ~~coordinator~~ and *coordinator*; include the
27 pesticides applied at the schoolsite by schoolsite employees and
28 hired pest control applicators, *and include a date when the plan*
29 *shall be reviewed and, if necessary, updated.*

30 (b) If a schoolsite chooses to use a pesticide not included within
31 Section 17610.5, the school designee shall ~~develop and~~ post on
32 the Internet Web site of the schoolsite an integrated pest
33 management plan for the schoolsite or the school district. If the
34 schoolsite does not maintain an Internet Web site, the school
35 designee shall include the integrated pest management plan with
36 the annual notification sent to staff and parents or guardians of
37 pupils enrolled at the schoolsite pursuant to Section 17612. The
38 integrated pest management plan shall include the name of the
39 school designee or IPM ~~coordinator~~ and *coordinator*; include the
40 pesticides applied at the schoolsite by school employees and hired

1 pest control applicators, *and include a date when the plan shall*
2 *be reviewed and, if necessary, updated.*

3 *(c) Nothing in this section shall limit or otherwise change the*
4 *requirements of Section 17612.*

5 SEC. 5. Section 17612 of the Education Code is amended to
6 read:

7 17612. (a) The school designee shall annually provide to all
8 staff and parents or guardians of pupils enrolled at a schoolsite a
9 written notification of the name of all pesticide products expected
10 to be applied at the schoolsite during the upcoming year. The
11 notification shall identify the active ingredient or ingredients in
12 each pesticide product. The notice shall also contain the Internet
13 address used to access information on pesticides and pesticide use
14 reduction developed by the Department of Pesticide Regulation
15 pursuant to Section 13184 of the Food and Agricultural Code and
16 may contain other information deemed necessary by the school
17 designee, *and the Internet address where the schoolsite integrated*
18 *pest management plan may be found if the school has posted the*
19 *plan. The notice shall also inform staff and parents and guardians*
20 *of pupils enrolled at a schoolsite that they may view a copy of the*
21 *integrated pest management plan in the schoolsite office.* No other
22 written notification of pesticide applications shall be required by
23 this act except as follows:

24 (1) In the written notification provided pursuant to this
25 subdivision, the school designee shall provide the opportunity for
26 recipients to register with the schoolsite if they wish to receive
27 notification of individual pesticide applications at the schoolsite.
28 Persons who register for notification shall be notified of individual
29 pesticide applications at least 72 hours before the application. The
30 notice shall include the product name, the active ingredient or
31 ingredients in the product, and the intended date of application.

32 (2) If a pesticide product not included in the annual notification
33 is subsequently intended for use at the schoolsite, the school
34 designee shall, consistent with this subdivision and at least 72
35 hours before application, provide written notification of its intended
36 use.

37 (b) The school designee shall make every effort to meet the
38 requirements of this section in the least costly manner. Annual
39 notification by a school district to parents and guardians shall be
40 provided pursuant to Section 48980.3. Any other notification shall,

1 to the extent feasible and consistent with the act adding this article,
2 be included as part of any other written communication provided
3 to individual parents or guardians. This section shall not require
4 the school designee to issue the notice through first-class mail,
5 unless he or she determines that no other method is feasible.

6 (c) Pest control measures taken during an emergency condition
7 as defined in Section 17609 shall not be subject to the requirements
8 of paragraphs (1) and (2) of subdivision (a). However, the school
9 designee or property owner shall make every effort to provide the
10 required notification for an application of a pesticide under
11 emergency conditions.

12 (d) The school designee shall post each area of the schoolsite
13 where pesticides will be applied with a warning sign. The warning
14 sign shall prominently display the term “Warning/Pesticide Treated
15 Area” and shall include the product name, manufacturer’s name,
16 the United States Environmental Protection Agency’s product
17 registration number, intended date and areas of application, and
18 reason for the pesticide application. The warning sign shall be
19 visible to all persons entering the treated area and shall be posted
20 24 hours before the application and remain posted until 72 hours
21 after the application. In case of a pest control emergency, the
22 warning sign shall be posted immediately upon application and
23 shall remain posted until 72 hours after the application.

24 (e) Subdivisions (a) and (d) shall not apply to schools operated
25 by the Division of Juvenile Justice. The school administrator of a
26 school operated by the Division of Juvenile Justice shall notify the
27 chief medical officer of that facility at least 72 hours before the
28 application of pesticides. The chief medical officer shall take any
29 steps necessary to protect the health of pupils in that facility.

30 (f) This section and Section 17611 shall not apply to activities
31 undertaken at a school by participants in the state program of
32 agricultural vocational education, pursuant to Article 7
33 (commencing with Section 52450) of Chapter 9 of Part 28 of
34 Division 4 of Title 2, if the activities are necessary to meet the
35 curriculum requirements prescribed in Section 52454. This
36 subdivision does not relieve schools participating in the state
37 program of agricultural vocational education of any duties pursuant
38 to this section for activities that are not directly related to the
39 curriculum requirements of Section 52454.

1 (g) Sections 17610 to 17614, inclusive, shall not apply to family
2 day care homes or property owners of family day care homes, as
3 defined in Section 1596.78 of the Health and Safety Code, or their
4 agents who personally apply any pesticides.

5 (h) If pesticide is applied by a property owner or his or her agent,
6 or by a pest control operator, failure to provide notice pursuant to
7 subdivision (b) of Section 17610 or subdivision (d) of Section
8 13186 of the Food and Agricultural Code shall relieve a privately
9 operated child day care facility from the requirements of this
10 section.

11 SEC. 6. Section 17614 is added to the Education Code, to read:

12 17614. ~~A~~Commencing July 1, 2016, the school designee and
13 any person, including, but not necessarily limited to, a hired pest
14 control applicator or schoolsite employee, who, in the course of
15 his or her work intends to apply a pesticide at a schoolsite subject
16 to this article, shall annually complete a training course provided
17 by the Department of Pesticide Regulation or an agent authorized
18 by the Department of Pesticide Regulation. The training course
19 shall include integrated pest management and the safe use of
20 pesticides in relation to the unique nature of schoolsites and
21 children's health.

22 SEC. 7. Section 12996 of the Food and Agricultural Code is
23 amended to read:

24 12996. (a) Every person who violates any provision of this
25 division relating to pesticides, or any regulation issued pursuant
26 to a provision of this division relating to pesticides, is guilty of a
27 misdemeanor and upon conviction shall be punished by a fine of
28 not less than five hundred dollars (\$500) nor more than five
29 thousand dollars (\$5,000), or by imprisonment of not more than
30 six months, or by both *the* fine and imprisonment. Upon a second
31 or subsequent conviction of the same provision of this division
32 relating to pesticides, a person shall be punished by a fine of not
33 less than one thousand dollars (\$1,000) nor more than ten thousand
34 dollars (\$10,000), or by imprisonment of not more than six months
35 or by both *the* fine and imprisonment. Each violation constitutes
36 a separate offense.

37 (b) Notwithstanding the penalties prescribed in subdivision (a),
38 if the offense involves an intentional or negligent violation that
39 created or reasonably could have created a hazard to human health
40 or the environment, the convicted person shall be punished by

1 imprisonment in the ~~a~~ county jail not exceeding one year or in the
2 state prison or by ~~a~~ fine of not less than five thousand dollars
3 (\$5,000) nor more than fifty thousand dollars (\$50,000), or by both
4 the fine and imprisonment.

5 (c) This section does not apply to violations of Chapter 7.5
6 (commencing with Section 15300) or Section 13186.5.

7 SEC. 8. Section 12999.4 of the Food and Agricultural Code is
8 amended to read:

9 12999.4. (a) In lieu of civil prosecution by the director, the
10 director may levy a civil penalty against a person violating Sections
11 12115, 12116, 12671, 12992, 12993, Chapter 10 (commencing
12 with Section 12400) of Division 6, Article 4.5 (commencing with
13 Section 12841), Section 13186.5, Chapter 7.5 (commencing with
14 Section 15300), or the regulations adopted pursuant to those
15 provisions, of not more than five thousand dollars (\$5,000) for
16 each violation.

17 (b) Before a civil penalty is levied, the person charged with the
18 violation shall be given a written notice of the proposed action,
19 including the nature of the violation and the amount of the proposed
20 penalty, and shall have the right to request a hearing within 20
21 days after receiving notice of the proposed action. A notice of the
22 proposed action that is sent by certified mail to the last known
23 address of the person charged shall be considered received even
24 if delivery is refused or the notice is not accepted at that address.
25 If a hearing is requested, notice of the time and place of the hearing
26 shall be given at least 10 days before the date set for the hearing.
27 ~~Prior to~~ Before the hearing, the person shall be given an opportunity
28 to review the director's evidence. At the hearing, the person shall
29 be given the opportunity to present evidence on his or her own
30 behalf. If a hearing is not timely requested, the director may take
31 the action proposed without a hearing.

32 (c) If the person against whom the director levied a civil penalty
33 requested and appeared at a hearing, the person may seek review
34 of the director's decision within 30 days of the date of the decision
35 pursuant to Section 1094.5 of the Code of Civil Procedure.

36 (d) After the exhaustion of the review procedure provided in
37 this section, the director, or his or her representative, may file a
38 certified copy of a final decision of the director that directs the
39 payment of a civil penalty and, if applicable, any order that denies
40 a petition for a writ of administrative mandamus, with the clerk

1 of the superior court of any county. Judgment shall be entered
2 immediately by the clerk in conformity with the decision or order.
3 No fees shall be charged by the clerk of the superior court for the
4 performance of any official service required in connection with
5 the entry of judgment pursuant to this section.

6 (e) Any money recovered under this section shall be paid into
7 the Department of Pesticide Regulation Fund for use by the
8 department, upon appropriation, in administering this division and
9 Division 6 (commencing with Section 11401).

10 SEC. 9. Section 13181 of the Food and Agricultural Code is
11 amended to read:

12 13181. (a) Notwithstanding any other law, for purposes of this
13 article, “integrated pest management” means a pest management
14 strategy that focuses on long-term prevention or suppression of
15 pest problems through a combination of techniques such as
16 monitoring for pest presence and establishing treatment threshold
17 levels, using nonchemical practices to make the habitat less
18 conducive to pest development, improving sanitation, and
19 employing mechanical and physical controls. Pesticides that pose
20 the least possible hazard and are effective in a manner that
21 minimizes risks to people, property, and the environment, are used
22 only after careful monitoring indicates they are needed according
23 to preestablished guidelines and treatment thresholds. This
24 definition shall apply only to integrated pest management at school
25 facilities and child day care facilities.

26 (b) For purposes of this article “IPM coordinator” has the same
27 meaning as school designee or IPM coordinator, as those terms
28 are defined in subdivision (e) of Section 17609 of the Education
29 Code.

30 SEC. 10. Section 13182 of the Food and Agricultural Code is
31 amended to read:

32 13182. It is the policy of the state that effective least toxic pest
33 management practices should be the preferred method of managing
34 pests at schoolsites and that the state, in order to reduce children’s
35 exposure to toxic pesticides, shall take the necessary steps, pursuant
36 to this article, to facilitate the adoption of effective least toxic pest
37 management practices at schoolsites. It is the intent of the
38 Legislature that all school personnel involved in the application
39 of pesticide at a schoolsite be trained in integrated pest management

1 and the safe use of pesticides in relation to the unique nature of
2 schoolsites and children's health.

3 SEC. 11. Section 13183 of the Food and Agricultural Code is
4 amended to read:

5 13183. (a) The department shall promote and facilitate the
6 voluntary adoption of integrated pest management programs for
7 schoolsites, excluding privately operated child day care facilities,
8 as defined in Section 1596.750 of the Health and Safety Code, that
9 voluntarily choose to do so. For these schoolsites, the department
10 shall do all of the following:

11 (1) Establish an integrated pest management program for
12 schoolsites consistent with Section 13181. In establishing the
13 program, the department shall:

14 (A) Develop criteria for identifying least-hazardous pest control
15 practices and encourage their adoption as part of an integrated pest
16 management program at each schoolsite.

17 (B) Develop a model program guidebook that prescribes
18 essential program elements for schoolsites that have adopted a
19 least-hazardous integrated pest management program. At a
20 minimum, this guidebook shall include guidance on all of the
21 following:

22 (i) Adopting an IPM policy.

23 (ii) Selecting and training an IPM coordinator.

24 (iii) Identifying and monitoring pest populations and damage.

25 (iv) Establishing a community-based school district advisory
26 committee.

27 (v) Developing a pest management plan for making
28 least-hazardous pest control choices.

29 (vi) Contracting for integrated pest management services.

30 (vii) Training and licensing opportunities.

31 (viii) Establishing a community-based right-to-know standard
32 for notification and posting of pesticide applications.

33 (ix) Recordkeeping and program review.

34 ~~(C) Develop a training course to train any person who intends~~
35 ~~to apply pesticides on a schoolsite. The training course shall cover~~
36 ~~integrated pest management and the safe use of pesticides in~~
37 ~~relation to the unique nature of schoolsites and children's health.~~
38 ~~The training course shall be provided by the department or an agent~~
39 ~~authorized by the department.~~

40 (D)

1 (C) Develop a template for an integrated pest management plan
2 to be used by schoolsites. The template shall outline a strategy for
3 integrated pest management as described in Section 13180.

4 (2) Make the model program guidebook available to schoolsites
5 and establish a process for systematically updating the guidebook
6 and supporting documentation.

7 (b) The department shall promote and facilitate the voluntary
8 adoption of integrated pest management programs at child day
9 care facilities, as defined in Section 1596.750 of the Health and
10 Safety Code, through the following:

11 (1) Modifying the department's existing integrated pest
12 management program for schoolsites as described in subdivision
13 (a) of Section 13183 for the child day care setting.

14 (2) Creating or modifying existing educational and informational
15 materials on integrated pest management for the child day care
16 setting.

17 (3) Making the materials available to child day care facilities
18 and establishing a process for systematically updating them.

19 (c) *The department shall develop a training course to train any*
20 *person who intends to apply pesticides on a schoolsite. The training*
21 *course shall cover integrated pest management and the safe use*
22 *of pesticides in relation to the unique nature of schoolsites and*
23 *children's health. The training course shall be provided by the*
24 *department or an agent authorized by the department.*

25 SEC. 12. Section 13186.5 is added to the Food and Agricultural
26 Code, to read:

27 13186.5. ~~A~~*Commencing July 1, 2016, a school designee, as*
28 *defined in Section 17609 of the Education Code, and any person*
29 *hired to apply a pesticide at a schoolsite subject to this article shall*
30 *annually complete a training course provided by the department*
31 *or an agent authorized by the department. The training shall include*
32 *integrated pest management and the safe use of pesticides in*
33 *relation to the unique nature of schoolsites and children's health.*

34 SEC. 13. Section 13187 of the Food and Agricultural Code is
35 amended to read:

36 13187. Sections 13186 and 13186.5 shall not apply to any
37 agency signatory to a cooperative agreement with the State

- 1 Department of Public Health pursuant to Section 116180 of the
- 2 Health and Safety Code.

O